

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Lee M. Berger and Alice A. Berger,  
Individually and on Behalf of All Other  
Persons Similarly Situated,

*Plaintiffs,*

v.

Bank of America, N.A.; and  
BAC Home Loans Servicing, LP,

*Defendants.*

CIVIL ACTION NO. 10-11583-NMG

CLASS ACTION

Stanley Kolbe, Individually and on  
Behalf of All Other Persons Similarly  
Situated,

*Plaintiff,*

v.

BAC Home Loans Servicing, LP; and  
Balboa Insurance Company,

*Defendants.*

CIVIL ACTION NO. 11-10312-NMG

CLASS ACTION

Susan Lass, as an individual and as a  
representative of the classes,

*Plaintiff,*

v.

Bank of America, N.A.; and  
BAC Home Loans Servicing, L.P.,

*Defendants.*

CIVIL ACTION NO. 11-10570-NMG

CLASS ACTION

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF SUSAN LASS' MOTION TO  
DEFER APPOINTMENT OF "INTERIM LEAD COUNSEL", OR IN THE  
ALTERNATIVE, FOR HYBRID APPOINTMENT OF INTERIM COUNSEL OR  
APPOINTMENT OF NICHOLS KASTER AS LEAD COUNSEL**

The memorandum of law filed at ECF No. 26 is hereby incorporated by reference in support of Plaintiff Susan Lass' Motion to Defer Appointment of "Interim Lead Counsel", or in the Alternative, for Hybrid Appointment of Interim Counsel or Appointment of Nichols Kaster as Lead Counsel.

Respectfully submitted,

Dated: May 31, 2011

NICHOLS KASTER, PLLP

*s/E. Michelle Drake*

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ATTORNEYS FOR PLAINTIFF AND  
THE PUTATIVE CLASSES

**CERTIFICATE OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 31, 2011.

*s/E. Michelle Drake*

E. Michelle Drake